

**MINUTES
TOWN COUNCIL MEETING
TUESDAY, JULY 14, 2009 AT 7:15 PM
RICHARD E. MASTRANGELO CHAMBER
ADMINISTRATION BUILDING**

- 1. ROLL CALL:** A regular meeting was called to order at 7:15 pm, in the Richard E. Mastrangelo Chamber. Present for the meeting were Councilors Stephen P. Corbett, Marilyn M. Petitto Devaney, Susan G. Falkoff, Jonathan Hecht, Angeline B. Kounelis, John J. Lawn, Jr., Vice President Mark S. Sideris and Council President Clyde L. Younger. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas. Vincent J. Piccirilli, Jr., arrived after the call of the roll.
- 2. PLEDGE OF ALLEGIANCE**
- 3. ACCEPTANCE OF MINUTES: June 23RD.** The Chair used his Charter Privilege to Table the minutes.

A Moment of Silence was held for the passing of Mary McHugh, Watertown elderly advocate.

4. PUBLIC FORUM:

Robert Childs, Historical Society – announced the Reading of the Declaration of Independence and Celebration of the Treaty of Watertown on Saturday, July 18th at 10:00 AM at the Fowle House and Museum.

5. COMMITTEE REPORTS:

- a) Committee on Public Works report and action on the appointments of Jonathan Bloch and Shutsu Chai to the Stormwater Advisory Committee. Councilor Falkoff read the Committee report. It was noted that the Committee unanimously moved to recommend the appointments of Mr. Bloch and Ms. Chai to the full Council for their approval. Councilor Devaney moved to accept the report, seconded by Councilor Sideris and adopted by voice vote. Councilor Falkoff moved both appointments for a

two year term to expire on July 15, 2011, seconded by Councilor Corbett and adopted by voice vote.

- b) Committee on Economic Development and Planning update on the Town's efforts to conduct an Economic and Planning Study to address issues regarding community vision and predictability of the development review process for property owners and developers – Jonathan Hecht, Chair. Councilor Hecht provided a verbal update on a meeting he had recently with the Planning Director, Steven Magoon. He indicated that an RFP was put together to seek a qualified firm with the help of federal funds, to study and analyze current patterns of development, consider different strategies with respect to development and identify implementation tools to carry out the vision with a focus of transition of areas/zones between formally industrial zones likely to see development. Hecht moved to hold a joint public meeting of the Economic Development and Planning committee and Planning Board to share views and develop ideas, seconded by Councilor Lawn and adopted by voice vote.

6. INFORMATIONAL PRESENTATION FROM TOWN OFFICERS AND EMPLOYEES:

- a) Informational Presentation on the care and protection of trees during the reconstruction of various roads and sidewalks - Christopher J. Hayward, Conservation/Preservation Agent & Tree Warden and Gerald S. Mee Jr., Superintendent of Public Works. Mr. Hayward stated that the town is doing everything possible to protect street trees during an extensive reconstruction projects throughout the town. There had been trees which were overlooked and were damaged. Contractors were notified and the damages were rectified quickly. Mr. Mee indicated that due to ADA regulations and the large volume of reconstruction taking place in town, the project was fast tracked and there were pieces that needed to be picked up, namely some damaged trees. Moving forward, Mr. Mee noted that he would like to implement a planting site review ahead of planned projects to meet with contractors so that future incidences are kept to a minimum.

Councilor Devaney thanked Mr. Mee and Mr. Hayward for their hard work and her appreciation to Trees for Watertown members for their volunteerism.

Councilor Falkoff gave credit to Trees for Watertown who have been the eyes of the community and whom were responsible for catching the original damage to the street trees. Mr. Hayward concurred and noted that Trees for Watertown provide the necessary checks and balances.

Councilor Kounelis inquired of a mechanism to track downed limbs that have been damaged by trucks.

Ruth Thomasian, Libby Shaw and Anni Clark, Trees for Watertown members – thanked the Council for the presentation and noted the many important attributes of our street trees which need to be acknowledged as part of the infrastructure and not as simply an afterthought.

- b) Informational Presentation on taxation of poles and wires on public ways – Daniel A. Loughlin, Chairman of the Board of Assessors. It was noted that the Fiscal Year 2010 State budget eliminates the historical exemption from local taxation for poles and wires owned by telephone and telegraph, cable television, internet, data service and other telecommunication corporations and located on public ways that was based on court decisions. Due to the change in law, Mr. Loughlin indicated that this brought approximately \$106,991 in tax dollars for fiscal year 2009. The machinery part has not been enacted. While fiscal year 2010 monies are risk free 2009 monies will be held in abeyance until the court challenges have been decided. Comcast can also be assessed and taxed on their poles and wires, noting that most of the wires are owned by Comcast.

Councilor Devaney thanked Mr. Loughlin for the presentation and noted that this is long overdue though it may ultimately drive rates for consumers up, as companies try to pass the cost on to their customers.

Councilor Corbett asked how value is determined. Mr. Loughlin stated that assets are extrapolated from their annual reports and net book value reporting.

Councilor Kounelis asked if companies can be taxed extra for double poles. Mr. Loughlin indicated that it would make sense; though at the same time there is less incentive to replace old poles as older poles equal less value.

- c) Informational Discussion on local option taxes. The Town Manager provided an overview of the enactment of section 2a of the Local Option Meals Exercise Tax. He noted that the Town Council must vote to accept the general laws by August 31st in order to have the tax go into effect for October 1st. The Manager stated that the estimated dollar amounts are approximately \$300,000 for fiscal year 2010. It was noted that the Hotel option will not be considered at this time.

Councilor Devaney asked that the meeting be well advertised. Councilor Sideris moved to refer the matter to the Committee of the Whole and Finance for full discussion and vote on August 4th, seconded by Councilor Devaney and adopted by voice vote. The Chair indicated that the meeting notice will be forwarded to the local papers, Chamber of Commerce, Cable News and posted on the Town's website.

7. MOTIONS, ORDERS AND RESOLUTIONS:

- a) Resolution commemorating and supporting the updating of the Massachusetts Beverage Container Law – Susan G. Falkoff. Councilor Falkoff read the resolution (attached) and highlighted ten reasons to support the bottle bill as provided by the Massachusetts Chapter Sierra Club (attached). Councilor Hecht stated that presently the bill will focus exclusively on large supermarkets only and that restaurants are not subject to the bottle bill. Councilor Falkoff moved to adopt the resolution, seconded by Councilor Devaney and adopted by voice vote.

8. PRESIDENT'S REPORT – none noted.

9. COMMUNICATIONS FROM THE TOWN MANAGER:

a) Request for Confirmation of appointment to the Stormwater Advisory Committee. Councilor Falkoff moved to refer the appointment to Public Works, seconded by Councilor Piccirilli and adopted by voice vote.

b) Update on Other Post Employment Benefits (OPEB): The Manager reviewed previous transfers on July 10, 2007 and July 8, 2009 to the OPEB account and noted that in the 2010 Budget Message he indicated that he would continue to look for opportunities to make additional transfers to the OPEB Stabilization Fund at the end of each year. Lastly, the Manager stated that given the previous transfers, a transfer to the OPEB fund will not be requested this fiscal year due to the need to replenish Free Cash.

The Manager noted that the Firefighters Association's agreement to provide relief in the area of collective bargaining in order to avoid layoffs is a win/win situation on several fronts. Discussions will continue with both police unions in order to address the lack of funding in the Quinn Bill. The Manager urged School educators to provide relief in the area of collective bargaining as well in order to avoid impacting the level of services for the children of Watertown this fall.

Councilor Devaney provided an explanation of the firefighters vote relating to their leave. She noted that monies have not been added to the department's budget to fund the 4 positions and that those positions are being supported by firefighters vote to reallocate their leave time. She expressed safety concerns stating that injury leave cannot be anticipated or avoided.

If there are any unintended consequences due to this, the Chair stated that he will be asking the Council and the Manager to revisit the issue.

The Manager noted that this is a positive and not a negative; it is a big issue and an opportunity to do more with less. The manager indicated that the Schools, Fire and Police have the biggest budgets and if there is a 9C mid-year cut, these three departments will be re-examined as we cannot hold harmless the three biggest town budgets.

The Chair stated that we must assist where necessary if no 9c cuts take place and there are ongoing safety concerns.

10. REQUESTS FOR INFORMATION

Councilor Piccirilli asked for a status report on the vacancies on the Planning Board and asked that efforts be redoubled to advertise these unfilled positions.

Councilor Devaney asked for a status report on August 11th on police negotiations.

Councilor Devaney stated that the School union president stated that he was not successful in getting the teachers back to a meeting. Councilor Devaney asked for a report on the school budget on August 11th.

Councilor Kounelis stated that she had previously asked for an update on payment in lieu of taxes and cell phone/blackberry in-use by the Administration; she reiterated her request.

11. ANNOUNCEMENTS

Councilor Sideris announced that the deadline for submitting proposals for Emergency Funding for non profit organizations is Friday, July 17th by 2 pm in the Town Clerk's Office.

Councilor Hecht announced a public hearing by Mass Highway and DCR to discuss improvement to Nonantum Road, Monday, July 20th 6pm at the Boathouse.

Councilor Devaney requested a Moment of Silence for Mary McNally. The Chair called for a moment of silence. The Chair thanked Councilor Devaney for bringing that to his attention.

12. PUBLIC FORUM – none noted.

13. ADJOURNMENT - There being no further business to come before the Council, Councilor Sideris moved to adjourn the meeting at 9:30 pm, seconded by Councilor Lawn and adopted by voice vote.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted on August 11, 2009 as written.

Clyde L. Younger, Council President